

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: BALLY TOTAL FITNESS OF
GREATER NEW YORK, INC., et al.,

Debtors.

09 Civ. 4250 (JSR)

ORDER

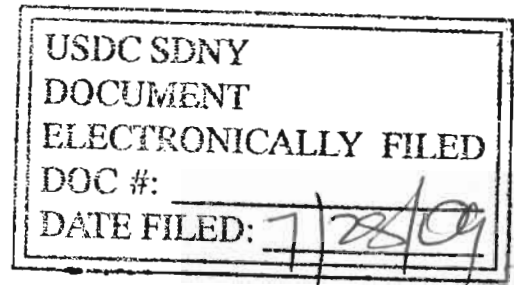
CARRERA PLAINTIFFS,

Plaintiffs-Appellants,

-v-

BALLY TOTAL FITNESS OF GREATER NEW
YORK, et al.,

Defendants-Appellees.



JED S. RAKOFF, U.S.D.J.

Plaintiffs Cesar Carrera, Kevin Lai, and Danna Brown, on behalf of themselves and all others similarly situated, appeal from an order of the United States Bankruptcy Court, Southern District of New York (Lifland, J.) dated April 7, 2009 denying plaintiffs' motion for an order to allow class proof of claim and motion for class certification, or, in the alternative, an order lifting the automatic stay. For reasons that will be explained in a subsequent Memorandum that will issue in due course, the Court hereby affirms the ruling of the Bankruptcy Court.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Jed Rakoff", written over a horizontal line.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
July 24, 2009